

THIS AMENDMENT is made this 18th day of September, 2019 by the New Construction Committee of Kelly Plantation Owners Association, Inc., a Florida not-for-profit corporation, (hereinafter: Association) to the Architectural Criteria & Design Guidelines of the Association (hereinafter Guidelines).

WITNESSETH:

WHEREAS, Association is governed by an elected Board of Directors, (hereinafter: Board) who have the authority and responsibility for the administration of the Association, as defined in Article III of the Association's By-Laws; and

WHEREAS, the New Construction Committee (hereinafter: Committee) is a body of professionals appointed by the Board for the purpose of review, administration, and enforcement of the Guidelines, as required by Article IX of the Association's *Amended and Restated Declaration of Covenants, Conditions, & Restrictions* (hereinafter: Declaration); and

WHEREAS, the Committee has the authority to perform periodic inspections of new construction within the Association, as well as to inspect exterior modifications, for compliance with established architectural standards and approved plans submitted by homeowners; and

WHEREAS, the Committee has the authority to set its Design Review Fees and such fees are subject to change from time to time as needed and determined appropriate by the Committee; and

WHEREAS, the Board approved a proposal to create a schedule of such fees and deposits for Exterior Modifications of existing structures during its meeting on September 11, 2019;

NOW, THEREFORE, pursuant to the powers of the Committee under the Declaration and Guidelines, the Committee hereby amend Article V to the following:

6. VARIANCES – If the Owner and/or his Architect feel that certain portions of the Design Review Guidelines are inappropriate, based on the design elements of his particular residence, then the Owner may apply for a variance from a specific requirement of the guidelines. Application forms for the variance request may be obtained from the NCC Coordinator. The burden of establishing the reasons why a specific requirement of the Design Review Guidelines is not appropriate lies with the Owner and his Architect. The owner's Architect should provide reasonable assurance in the variance request submittal that the overall intent of the Design Review Guidelines will be accomplished with the residence as proposed. The decision of the variance rests solely with the NCC, and granting of the variance for one particular situation does not warrant or imply that a variance will be granted for the same situation of another home site. Each variance request will be reviewed on a case by case, residence by residence basis, in keeping with the overall objectives of the Design Review Guidelines.

Homeowners requesting a variance from specific criteria or guidelines may be subject to an administrative fee of \$500 and a refundable compliance deposit of \$2000 in addition to any applicable fees and deposits as described in Section 7 of these Guidelines.

7. MODIFICATIONS – Once approved by the NCC, any changes on the exterior of the home must be requested in writing on the appropriate modification form. An administrative review fee is required for exterior modifications which, at the discretion of the NCC Administrator, would require the Committee to meet and review the modification. A compliance inspection fee may be required for certain modifications which, at the discretion of the NCC Administrator or majority vote of the Committee, such modification shall be inspected by a qualified professional to ensure adherence to approved plans. If, in the judgment of the NCC Administrator, a proposed exterior modification which did not require an administrative review fee at the time of application, requires the service of a qualified professional for a compliance inspection,



that fee shall become due within ten (10) business days from the date of notice to the homeowner by the NCC Administrator.

Homeowners must notify the NCC Administrator of completion of their project within ten (10) business days of the completion date, and Compliance inspections shall be scheduled after notification within ten (10) business days of the notification date.

Refundable Compliance Deposits will be required for all Exterior Modifications to ensure the requesting homeowner does not deviate from the approved plans, and such administrative review fees will not be applied against the refundable compliance deposit, but must be paid separately by the requesting homeowner.

Deposits will be forfeited by the Homeowner by majority vote of the NCC after discovery of a non-compliant exterior modification; non-compliance of an approved plan will also result in the Association's taking action to correct the non-compliance, after proper notice of the violation pursuant to Section 3.24 of the By-Laws, as prescribed in Section 9.7 of the Declaration;

Such administrative and inspection fees, and deposits are scheduled as follows:

<u>Exterior Modification Description</u>	<u>Administrative Review Fee</u>	<u>Compliance Inspection Fee (if applicable)</u>	<u>Refundable Compliance Deposit</u>
<u>Landscaping</u>	<u>\$0 - \$1,000*</u>	<u>\$355</u>	<u>\$500</u>
<u>Driveways/Hardscape</u>	<u>\$0 - \$300*</u>	<u>\$355</u>	<u>\$500</u>
<u>Fences</u>	<u>\$0 - \$300*</u>	<u>\$355</u>	<u>\$500</u>
<u>Pools</u>	<u>\$500</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Pools with Enclosures</u>	<u>\$1,000</u>	<u>\$500</u>	<u>\$2,000</u>
<u>Painting (Color Change)</u>	<u>\$0 - \$150*</u>	<u>\$120</u>	<u>\$500</u>
<u>Decks, Docks, Seawalls</u>	<u>\$300 - \$1,000*</u>	<u>\$500</u>	<u>\$1500</u>
<u>Additions**</u>	<u>\$500 - \$1,500*</u>	<u>\$500</u>	<u>\$2,500 - \$5,000***</u>

IN WITNESS WHEREOF, the undersigned members of the Committee have approved and executed this Amendment to the Architectural Criteria & Design Guidelines by majority vote this 18th day of September, 2019.

Callie Barker

Julie Liebetreu

Jordan Hernandez
NCC Administrator

Dennis Chavez

W. Glenn Cooper
Liaison, Board of Directors

Ron Todd
President, Board of Directors